

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JEFFREY SPIEGEL

Plaintiff,

vs.

NATIONAL ASSET MANAGEMENT, LLC)

Defendant.

Case No. 1:11-cv-06694-PKC

**COMPLAINT**

**Jury Trial Demanded**

**NATURE OF ACTION**

1. This is an action brought under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.*

**JURISDICTION AND VENUE**

2. This Court has jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

3. Venue is proper before this Court pursuant to 28 U.S.C. §1391(b), where the acts and transactions giving rise to Plaintiff’s action occurred in this district, (where Plaintiff resides in this district), and/or where Defendant transacts business in this district.

**PARTIES**

4. Plaintiff, Jeffrey Spiegel (“Plaintiff”), is a natural person who at all relevant times resided in the State of New York, County of New York, and City of New York.

5. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3).

6. Defendant, National Asset Management, LLC (“Defendant”) is an entity who at all relevant times was engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. §1692a(5).

7. Defendant is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

### **FACTUAL ALLEGATIONS**

8. Plaintiff is a natural person obligated, or allegedly obligated, to pay a debt owed or due, or asserted to be owed or due a creditor other than Defendant.

9. Plaintiff's obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than Defendant, arises from a transaction in which the money, property, insurance, or services that are the subject of the transaction were incurred primarily for personal, family, or household purposes. Plaintiff incurred the obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than Defendant.

10. Defendant uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due, or asserted to be owed or due another

11. In connection with collection of an alleged debt in default, Defendant made initial communication with Plaintiff by placing a telephone call on July 15, 2011 at 6:21 P.M., and at such time, left a voicemail message in which Defendant failed to disclose Defendant's true corporate and/or business name.

12. In said message, Defendant further failed to notify Plaintiff that the communication was from a debt collector.

13. Defendant called Plaintiff's cellular telephone on July 19, 2011 at 10:21 A.M. and, at such time, left a voicemail message in which Defendant failed to notify Plaintiff that the communication was from a debt collector.

14. Defendant's actions constitute conduct highly offensive to a reasonable person.

### **COUNT I**

15. Plaintiff repeats and re-alleges each and every allegation contained above.

16. Defendant violated the FDCPA as detailed above.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Adjudging that Defendant violated the FDCPA;
- b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §1692k, in the amount of \$1,000.00;
- c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. §1692k;
- d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action;
- e) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law;
- f) Awarding such other and further relief as the Court may deem just and proper.

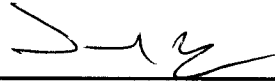
**TRIAL BY JURY**

17. Plaintiff is entitled to and hereby demands a trial by jury.

This 19<sup>th</sup> day of September, 2011.

ATTORNEYS FOR PLAINTIFF  
*Jeffrey Spiegel*

Respectfully submitted,



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